

Introduced by Senator Corbett

December 9, 2008

An act to add Section 102.5 to the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 34, as introduced, Corbett. Petitions: compensation for signatures.

Under existing law, a person who is a voter or is qualified to register to vote in this state may circulate an initiative or referendum petition, and a person who is a voter may circulate a recall petition.

This bill would provide that it is a misdemeanor for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill would make any signatures collected in violation of this provision invalid. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102.5 is added to the Elections Code, to
2 read:

1 102.5. (a) It shall be unlawful for a person to pay or to receive
2 money or any other thing of value based on the number of
3 signatures obtained on a state or local initiative, referendum, or
4 recall petition.

5 (b) Any signatures collected in violation of this section shall be
6 invalid and shall not count toward qualification of the initiative,
7 referendum, or recall.

8 (c) Violation of this section shall be a misdemeanor.

9 (d) Nothing in this section prohibits the payment for signature
10 gathering not based, either directly or indirectly, on the number
11 of signatures obtained on a state or local initiative, referendum, or
12 recall petition.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.